

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JEFF LUCAS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
THE SCOTTS COMPANY OF OHIO, LLC,	)	
and EG SYSTEMS, LLC,	)	JURY TRIAL DEMANDED
	)	
Defendants.	)	

**DEFENDANTS' NOTICE OF REMOVAL**

Defendants The Scotts Company, LLC and EG Systems, LLC<sup>1</sup> (collectively “Defendants”), by counsel, pursuant to 28 U.S.C. § 1441 *et seq.*, remove this civil action, originally filed in the Circuit Court of St. Louis County, to this Court and state as follows:

1. On January 24, 2017, Jeff Lucas (“Plaintiff”) filed a Petition in the Circuit Court of St. Louis County (Case No. 17SL-CC00319). Defendants were served with a copy of the Petition and Summons on February 1, 2017. A copy of the Petition and Summons is attached hereto as Exhibit A. No further proceedings have been had in this action, nor have any other processes, pleadings, or orders been served on Defendants.

2. Plaintiff’s Petition brings two causes of action. In Count I, Plaintiff alleges that he was denied proper overtime compensation under the Missouri Minimum Wage Law (“MMWL”), Mo. Rev. Stat. § 290.527. Plaintiff purports to bring Count I as a class claim, representing all current and former lawn care technicians in the State of Missouri who were paid overtime pursuant to the fluctuating workweek method of overtime compensation. In Count II,

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<sup>1</sup> EG Systems, Inc. was converted to EG Systems, LLC on April 4, 2016.

Plaintiff alleges that he was denied proper overtime compensation under the Fair Labor Standards Act (“FLSA”) 29 U.S.C. § 216(b), alleging that Defendants’ use of the fluctuating workweek method violated the FLSA.

3. The United States District Court for the Eastern District of Missouri has federal question jurisdiction over Plaintiff’s FLSA claim pursuant to 28 U.S.C. § 1331, which provides this Court with original jurisdiction over all civil actions arising under Federal law.

4. The Court has supplemental jurisdiction over Plaintiff’s MMWL claim pursuant to 28 U.S.C. § 1367, as Plaintiff’s MMWL claim derives from a common nucleus of operative fact as his FLSA claim – namely, Defendants’ pay practices and overtime calculations – and, therefore, forms part of the same case or controversy.

5. Moreover, upon information and belief and based on the allegations in Plaintiff’s Complaint, the Court also has jurisdiction over Plaintiff’s MMWL claim under 28 U.S.C. §1332(a) and under the Class Action Fairness Act, 28 U.S.C. § 1332(d).

6. Venue is proper in the United States District Court for the Eastern District of Missouri pursuant to 28 U.S.C. § 1441(a), as this Court embraces St. Louis County, Missouri, the place where the action was originally filed.

7. Defendants will promptly provide written notice of the filing of this Notice to the Clerk of the Circuit Court for St. Louis County and Plaintiff’s counsel, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants, by counsel, and pursuant to 28 U.S.C. § 1441 *et. seq.*, remove this civil action, originally filed in the Circuit Court for St. Louis County (Case No. 17SL-CC00319) to this Court and respectfully ask this action proceed in this Court.

Respectfully submitted this 2nd day of March, 2017.

/s/ Jeremy M. Brenner

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ATTORNEYS FOR DEFENDANTS  
THE SCOTTS COMPANY, LLC and  
EG SYSTEMS, LLC

**CERTIFICATE OF SERVICE**

I certify that on March 2, 2017, I electronically filed the foregoing document using the Court's CM/ECF system, which will send a notice of electronic filing to all counsel of record, including Plaintiffs' Counsel, and will also be served by U.S. Mail, postage prepaid, as follows:

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/s/ Jeremy M. Brenner